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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**

14 LISA LIBERI, et al.

15
16 Plaintiffs,

17 vs.

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19 ORLY TAITZ, et al.,

20
21 Defendants.

) Case No. CV 11-00485 AG (AJW)
)
) Hon. Andrew Guilford
) Courtroom 10D
)

) **STIPULATION TO EXTEND TIME**
) **FOR DEFENDANT DAYLIGHT**
) **CHEMICAL INFORMATION**
) **SYSTEMS, INC. TO RESPOND TO**
) **PLAINTIFFS' FIRST AMENDED**
) **COMPLAINT and DECLARATION**
) **OF MICHAEL J. NIBORSKI IN**
) **SUPPORT THEREOF**

) **[PROPOSED] ORDER LODGED**
) **CONCURRENTLY**
)

) Complaint Served: June 29, 2011
) Current Response Date: Sept. 16, 2011
) New Response Date: Oct. 7, 2011
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1 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and
2 Defendants Daylight Chemical Information Systems, Inc. (“Defendant”) as follows:

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4 1. The First Amended Complaint (the “Complaint”) in this action was
5 served on June 29, 2010;

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7 2. Plaintiffs and prior counsel for Defendant previously agreed to one
8 statutory extension of time pursuant to Local Rule 8-3, as well as one non-statutory
9 extension of time for Defendant to respond to the Complaint. The current response
10 date is September 16, 2011;

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12 3. The undersigned counsel for Defendant has recently been retained and has
13 only recently been able to gather and review the voluminous pleadings and other
14 matters in this case in order to prepare a response to the Complaint;

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16 4. The Court has scheduled a hearing on co-defendant Oracle Corporation’s
17 motion to dismiss for September 12, 2011 which may result in a second amended
18 complaint being filed. In order to achieve judicial efficiency and alleviate unnecessary
19 litigation, this Stipulation would permit this hearing to occur and any pleading changes
20 be filed in advance of Defendant filing any answer or motion pursuant to FRCP 12;
21 The Parties submit that this Stipulation comports with the Court’s stated policy of
22 limiting unnecessary litigation in this action.

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24 THEREFORE, UPON APPROVAL BY THE COURT, it is hereby stipulated by
25 and between the Parties, through their counsel of record, that Defendant may have up
26 to and including October 7, 2011 to answer, move or otherwise respond to the
27 Complaint in this action.
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1 IT IS SO STIPULATED.
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4 **PRYOR CASHMAN LLP**

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6 Dated: September 7, 2011 Bv: /s/ Michael J. Niborski
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10 *Attorneys for Defendant*
11 Daylight Chemical Information Systems, Inc.
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14 **LAW OFFICES OF PHILIP J. BERG**

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16 Dated: September 7, 2011 Bv: /s/ Philip J. Berg
17 Philip J. Berg
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19 Lafayette Hill, PA 19444-2531
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20 *Attorneys for Plaintiffs*
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DECLARATION OF MICHAEL J. NIBORSKI

I, Michael J. Niborski, hereby declare as follows:

1. I am of counsel to the law firm Pryor Cashman LLP, counsel of record in this action for Defendant Daylight Chemical Information Systems (“Defendant”).

I submit this declaration in support of the Parties’ Stipulation To Extend the Deadline for Defendants to Respond to the First Amended Complaint. I have personal knowledge of the facts set forth in this Declaration, except for those matters stated to be based upon my information and belief, and if called upon to do so I could and would competently testify thereto.

2. The First Amended Complaint (the “Complaint”) in this action was served on June 29, 2010.

3. Plaintiffs and prior counsel for Defendant, the law firm of Silverstein & Huston, previously agreed to one extension of time pursuant to Local Rule 8-3 for Defendant to respond to the Complaint.

4. Our firm was recently retained in this matter and has just now gathered and been able to review the voluminous pleadings and other matters in this case in order to prepare a response to the Complaint.

5. Immediately following our retention, Plaintiffs’ counsel Mr. Berg and I agreed and submitted a stipulation to extend our deadline to respond to the Complaint until September 16, 2011. The Court granted this Stipulation.

6. From my review of the docket in this matter, there is a hearing on defendant Oracle Corporation’s motion to dismiss scheduled for September 12, 2011 which may result in a second amended complaint being filed. This motion was previously set for August 29, 2011.

7. In order to achieve judicial efficiency and alleviate unnecessary litigation, this Stipulation would permit this pleadings challenge to be resolved in advance of Defendant filing any answer or motion pursuant to FRCP 12. I believe this would comport with the Court’s stated policy of limiting unnecessary litigation in this action.

1 I declare under penalty of perjury that the foregoing is true and correct. This
2 declaration is executed on September 7, 2011, at Los Angeles, California.

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5 /s/ Michael J. Niborski
6 MICHAEL J. NIBORSKI
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